



APPLICATION NO.

10/074,137

United States Patent and Trademark Office

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122 EAST 42ND STREET
SUITE 4000

NEW YORK, NY 10168

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HASHEM, LISA

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2614

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Please find below and/or attached an Office communication concerning this application or proceeding.

FIRST NAMED INVENTOR

Junichi Yamagishi

	Application No.	Applicant(s)
Office Action Summary	10/074,137	YAMAGISHI, JUNICHI
	Examiner	Art Unit
	Lisa Hashem	2614
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply		
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).		
Status		
1) Responsive to communication(s) filed on <u>17 February 2006</u> .		
2a)⊠ This action is FINAL . 2b)☐ Thi	s action is non-final.	
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.		
Disposition of Claims		
 4) Claim(s) 1-3,6,7,10,11,13-15 and 17-24 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) 1-3,6,7,10,11,13-15, and 17-24 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. 		
Application Papers		
 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. 		
Priority under 35 U.S.C. § 119		
 12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority document 2. Certified copies of the priority document 3. Copies of the certified copies of the priority document * See the attached detailed Office action for a list 	nts have been received. Its have been received in Applicationity documents have been received in the contract of the contract	on No ed in this National Stage
Attachment(s)		•
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	4) Interview Summary Paper No(s)/Mail Da	ate
 Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08 Paper No(s)/Mail Date 	5) Notice of Informal F 6) Other:	atent Application (PTO-152)

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FINAL DETAILED ACTION

Claim Objections

1. Claims 1, 2, 10, 11, 21, 22, 23, and 24 are objected to because of the following informalities: Claims 1, 2, 10, 11, 21, 22, 23, and 24 recite the limitation "the mobile communications terminal". There is insufficient antecedent basis for this limitation in these claims. Examiner assumes this should be 'the mobile communication terminal'. Appropriate correction is required.

Claim Rejections - 35 USC § 103

- 2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 3. Claims 1-3, 6, 7, 10, 11, 13-15, and 17-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,846,238 by Wells.

Regarding claim 1, Wells discloses a control apparatus (Fig. 1, 100), using a mobile communication terminal (Fig. 1, 125), comprising:

an accounting center inherently storing a list of subscribers (Fig. 4, 410; col. 23, lines 55-61; col. 25, lines 9-13);

a game play portion (Fig. 1, 100; Fig. 2, 2) being separate from the mobile communication terminal (Fig. 2, 125) (col. 12, lines 52-61),

said game play portion having at least a game start approval button, which enables a game play according to personal information (col. 9, line 11 – col. 10, line 21; col. 11, lines 55-67);

an input portion, for reading as input personal information exclusively provided by the mobile communication terminal, the personal information identifying a user intending to operate the game play portion (col. 9, line 52 – col. 10, line 21; col. 11, lines 55-67; col. 25, line 40 – col. 26, line 6); and

a control portion, which identifies the user on the basis of the input of personal information (col. 9, lines 62-63; col. 21, line 57 – col. 22, line 15) and thereafter makes a call to the accounting center (Fig. 4, 410) and responsive to the user being on the lists of subscribers, actuates a game credit switch,

to enable the game play by said game play portion (col. 9, lines 11-51; col. 13, lines 24-27), when said game start approval button is operated,

wherein said accounting center inherently bills at a predetermined subsequent time corresponding to said call made by operating said game start approval button (col. 8, lines 31-46; col. 9, lines 39-51; col. 23, lines 55-65).

Wells discloses a game play portion being separate from the mobile communication terminal wherein a game is played on said mobile communication terminal in remote game playing. In remote game playing, Wells does not disclose a game is played exclusively on said game play portion.

However, Wells does disclose a game play portion (Fig. 1, 100) being separate from the mobile communication terminal (Fig. 1, 125) wherein a game is played exclusively on said game play portion and not on the mobile communication terminal (col. 2, lines 25-34; col. 8, line 47 – col. 9, line 10; col. 11, lines 55-67) (e.g. local game play).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the control apparatus of Wells to include a game is played exclusively on said game play portion and not on the mobile communication terminal as taught by Wells in a different embodiment. One of ordinary skill in the art would have been lead to make such a modification to allow a user of the mobile communication terminal to terminate a game session on the mobile communication terminal and play a game exclusively on said game play portion that is separate from the mobile communication terminal, wherein a user stops roaming with the mobile communication terminal and returns to the gaming machine for local game play.

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Regarding claim 2, Wells discloses a control apparatus (Fig. 1, 100), using a mobile communication terminal (Fig. 1, 125), comprising:

an information service center inherently storing a list of subscribers (Fig. 4, 430; col. 21, lines 45-47; col. 23, lines 48 – col. 24, line 8);

a game play portion (Fig. 1, 100; Fig. 2, 2), being separate from the mobile communication terminal (Fig. 2, 125) (col. 12, lines 52-61),

said game play portion having at least a game start approval button, which stores game play information and enables a game play according to personal information (col. 9, line 11 – col. 10, line 21; col. 11, lines 55-67; col. 25, line 40 – col. 26, line 6);

an input portion, for reading as input personal information exclusively provided by the mobile communication terminal, the personal information identifying a user intending to operate the game play (col. 9, line 52 – col. 10, line 21; col. 11, lines 55-67; col. 25, line 40 – col. 26, line 6); and

a control portion (col. 9, lines 62-63; col. 21, line 57 – col. 22, line 15), which identifies the user on the basis of the input of personal information and thereafter makes a call to the information service center (Fig. 4, 430) and responsive to the user being on the lists of subscribers, actuates a game credit switch to enable the game play by said game play portion when said game start approval button is operated on the basis of the input of personal information by said mobile communication terminal (col. 9, lines 11-51; col. 13, lines 24-27), wherein said information service center inherently bills at a predetermined subsequent time corresponding to said call made by operating said game start approval button (col. 8, lines 31-46; col. 9, lines 39-51; col. 23, lines 55-65).

Wells discloses a game play portion being separate from the mobile communication terminal wherein a game is played on said mobile communication terminal in remote game playing. In remote game playing, Wells does not disclose a game is played exclusively on said game play portion.

However, Wells does disclose a game play portion (Fig. 1, 100) being separate from the mobile communication terminal (Fig. 1, 125) wherein a game is played exclusively on said game play portion and not on the mobile communication terminal (col. 2, lines 25-34; col. 8, line 47 – col. 9, line 10; col. 11, lines 55-67) (e.g. local game play).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the control apparatus of Wells to include a game is played exclusively on said game play portion and not on the mobile communication terminal as taught by Wells in a different embodiment. One of ordinary skill in the art would have been lead to make such a modification to allow a user of the mobile communication terminal to terminate a game session

on the mobile communication terminal and play a game exclusively on said game play portion that is separate from the mobile communication terminal, wherein a user stops roaming with the mobile communication terminal and returns to the gaming machine for local game play.

Regarding claim 3, the control apparatus using the mobile communication terminal according to claim 2, wherein Wells further discloses said information service center stores game play information and dispatches said stored game play information corresponding to said call; and said control portion receives said dispatched game play information and outputs said received game play information prior to said game play (col. 23, lines 48-65).

Regarding claim 6, a control apparatus using the mobile communication terminal according to claim 2 mentioned above, wherein Wells further discloses an identification number input portion for inputting an identification number, wherein said control portion makes said call to the information service center if said input personal information and said input identification number coincides with personal information stored therein in advance and if said game start approval button is operated (col. 10, lines 6-9; col. 21, lines 38-56; col. 23, lines 48-65).

Regarding claim 7, a control apparatus using the mobile communication terminal according to claim 3 mentioned above, wherein Wells further discloses an identification number input portion for inputting an identification number, wherein said control portion makes said call to the information service center if said input personal information and said input identification number coincides with personal information stored therein in advance and if said game start approval button is operated (col. 10, lines 6-9; col. 21, lines 38-56; col. 23, lines 48-65).

Regarding claim 10, Wells discloses a control method using a mobile communication terminal (Fig. 1, 125) comprising:

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an information service center inherently storing a list of subscribers (Fig. 4, 430; col. 21, lines 45-47; col. 23, lines 48 - col. 24, line 8);

a game play portion (Fig. 1, 100; Fig. 2, 2), being separate from the mobile communication terminal (Fig. 2, 125) (col. 12, lines 52-61),

said game play portion having at least a game start approval button, which enables a game play according to personal information (col. 9, line 11 – col. 10, line 21; col. 11, lines 55-67; col. 25, line 40 – col. 26, line 6);

an input portion, for reading as input personal information exclusively provided by the mobile communication terminal, the personal information identifying a user intending to operate the game play portion (col. 9, line 52 – col. 10, line 21; col. 11, lines 55-67; col. 25, line 40 – col. 26, line 6); and

a control portion (col. 9, lines 62-63; col. 21, line 57 – col. 22, line 15), which identifies the user on the basis of the input of personal information and thereafter makes a call to the information service center (Fig. 4, 430) and responsive to the user being on the lists of subscribers, actuates a game credit switch to enable the game play by said game play portion when said game start approval button is operated (col. 9, lines 11-51; col. 13, lines 24-27), wherein said information service center inherently bills at a predetermined subsequent time corresponding to said call made by operating said game start approval button (col. 8, lines 31-46; col. 9, lines 39-51; col. 23, lines 55-65).

Wells discloses a game play portion being separate from the mobile communication terminal wherein a game is played on said mobile communication terminal in remote game

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playing. In remote game playing, Wells does not disclose a game is played exclusively on said game play portion.

However, Wells does disclose a game play portion (Fig. 1, 100) being separate from the mobile communication terminal (Fig. 1, 125) wherein a game is played exclusively on said game play portion and not on the mobile communication terminal (col. 2, lines 25-34; col. 8, line 47 – col. 9, line 10; col. 11, lines 55-67) (e.g. local game play).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the control method of Wells to include a game is played exclusively on said game play portion and not on the mobile communication terminal as taught by Wells in a different embodiment. One of ordinary skill in the art would have been lead to make such a modification to allow a user of the mobile communication terminal to terminate a game session on the mobile communication terminal and play a game exclusively on said game play portion that is separate from the mobile communication terminal, wherein a user stops roaming with the mobile communication terminal and returns to the gaming machine for local game play.

Regarding claims 11 and 20, please see the rejection to claims 10 and 19 above, respectively, to reject claims 11 and 20.

Regarding claim 13, the control apparatus using the mobile communication terminal according to claim 1, wherein Wells further discloses said mobile communication terminal makes said input by radio (col. 11, lines 16-29).

Regarding claim 14, a control apparatus using the mobile communication terminal according to claim 2 mentioned above, wherein Wells further discloses said mobile communication terminal makes said input by radio (col. 11, lines 16-29).

Regarding claim 15, a control apparatus using the mobile communication terminal according to claim 3 mentioned above, wherein Wells further discloses said mobile communication terminal makes said input by radio (col. 11, lines 16-29).

Regarding claim 17, the control apparatus using the mobile communication terminal according to claim 1, wherein Wells further discloses said input portion, having a connection port for inserting said mobile communication terminal, reads personal information from said mobile communication terminal inserted into said connection port (col. 23, lines 9-16).

Regarding claim 18, the control apparatus using the mobile communication terminal according to claim 2, wherein Wells further discloses said input portion, having a connection port for inserting said mobile communication terminal, reads personal information from said mobile communication terminal inserted into said connection port (col. 23, lines 9-16).

Regarding claim 19, the control apparatus using the mobile communication terminal according to claim 10, wherein Wells further discloses said input portion, having a connection port for inserting said mobile communication terminal, reads personal information from said mobile communication terminal inserted into said connection port (col. 23, lines 9-16).

Regarding claim 21, Wells discloses a control apparatus, using a mobile communication terminal (Fig. 1, 125), comprising:

an accounting center inherently storing a list of subscribers (Fig. 4, 410; col. 23, lines 55-61; col. 25, lines 9-13);

a coin operable game play portion (Fig. 1, 109), being separate from the mobile communication terminal (Fig. 2, 125) (col. 9, lines 11-51; col. 12, lines 52-61),

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said game play portion having at least a game start approval button, which enables a game play according to personal information (col. 9, line 11 – col. 10, line 21; col. 11, lines 55-67; col. 25, line 40 – col. 26, line 6);

an input portion, for inputting personal information exclusively through the mobile communication terminal (col. 9, line 52 – col. 10, line 21; col. 11, lines 55-67; col. 25, line 40 – col. 26, line 6); and

a control portion (col. 9, lines 62-63; col. 21, line 57 – col. 22, line 15), which makes a call to the accounting center (Fig. 4, 410) and responsive to the user being on the lists of subscribers, actuates a game credit switch disposed within said game play portion,

to enable the game play by said game play portion so that said game play portion is operable without the use of coins (col. 9, lines 11-51; col. 13, lines 24-27),

when said game start approval button is operated on the basis of the input of personal information by said mobile communication terminal,

wherein said accounting center inherently bills at a predetermined subsequent time corresponding to said call made by operating said game start approval button (col. 8, lines 31-46; col. 9, lines 39-51; col. 23, lines 55-65).

Wells discloses a game play portion being separate from the mobile communication terminal wherein a game is played on said mobile communication terminal in remote game playing. In remote game playing, Wells does not disclose a game is played exclusively on said game play portion.

However, Wells does disclose a game play portion (Fig. 1, 100) being separate from the mobile communication terminal (Fig. 1, 125) wherein a game is played exclusively on said game

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play portion and not on the mobile communication terminal (col. 2, lines 25-34; col. 8, line 47 – col. 9, line 10; col. 11, lines 55-67) (e.g. local game play).

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It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the control apparatus of Wells to include a game is played exclusively on said game play portion and not on the mobile communication terminal as taught by Wells in a different embodiment. One of ordinary skill in the art would have been lead to make such a modification to allow a user of the mobile communication terminal to terminate a game session on the mobile communication terminal and play a game exclusively on said game play portion that is separate from the mobile communication terminal, wherein a user stops roaming with the mobile communication terminal and returns to the gaming machine for local game play.

Regarding claim 22, Wells discloses a control apparatus, using a mobile communication terminal (Fig. 1, 125), comprising:

an information service center inherently storing a list of subscribers (Fig. 4, 430; col. 21, lines 45-47; col. 23, lines 48 - col. 24, line 8);

a coin operable game play portion (Fig. 1, 109) being separate from the mobile communication terminal (Fig. 2, 125) (col. 9, lines 11-51; col. 12, lines 52-61),

said game play portion having at least a game start approval button, which enables a game play according to personal information (col. 9, line 11 – col. 10, line 21; col. 11, lines 55-67; col. 25, line 40 – col. 26, line 6);

an input portion, for inputting personal exclusively through the mobile communication terminal, (col. 9, line 52 – col. 10, line 21; col. 11, lines 55-67; col. 25, line 40 – col. 26, line 6); and

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a control portion (col. 9, lines 62-63; col. 21, line 57 – col. 22, line 15), which makes a call to the information service center (Fig. 4, 430) and responsive to the user being on the lists of subscribers, actuates a game credit switch disposed within said game play portion, to enable the game play by said game play portion so that said game play portion is operable without the use of coins (col. 9, lines 11-51; col. 13, lines 24-27), when said game start approval button is operated on the basis of the input of personal information by said mobile communication terminal, wherein said information service center inherently bills at a predetermined subsequent time corresponding to said call made by operating said game start approval button (col. 8, lines 31-46; col. 9, lines 39-51; col. 21, lines 38-56; col. 23, lines 55-65).

Wells discloses a game play portion being separate from the mobile communication terminal wherein a game is played on said mobile communication terminal in remote game playing. In remote game playing, Wells does not disclose a game is played exclusively on said game play portion.

However, Wells does disclose a game play portion (Fig. 1, 100) being separate from the mobile communication terminal (Fig. 1, 125) wherein a game is played exclusively on said game play portion and not on the mobile communication terminal (col. 2, lines 25-34; col. 8, line 47 – col. 9, line 10; col. 11, lines 55-67) (e.g. local game play).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the control apparatus of Wells to include a game is played exclusively on said game play portion and not on the mobile communication terminal as taught by Wells in a different embodiment. One of ordinary skill in the art would have been lead to make such a modification to allow a user of the mobile communication terminal to terminate a game session

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on the mobile communication terminal and play a game exclusively on said game play portion that is separate from the mobile communication terminal, wherein a user stops roaming with the mobile communication terminal and returns to the gaming machine for local game play.

Regarding claim 23, please see claim 22 above, to reject claim 23.

Regarding claim 24, Wells discloses a control method, using a mobile communication terminal (Fig. 1, 125), comprising:

an Internet service provider (e.g. web server) inherently storing a list of subscribers (col. 4, lines 1-15; col. 4, lines 54-67; col. 5, lines 35-53; col. 15, line 47 – col. 16, line 2; col. 22, lines 52-58);

a coin operable game play portion (Fig. 1, 109) being separate from the mobile communication terminal (Fig. 2, 125) (col. 9, lines 11-51; col. 12, lines 52-61),

said game play portion having at least a game start approval button, which enables a game play according to personal information (col. 9, line 11 – col. 10, line 21; col. 11, lines 55-67); an input portion, for inputting personal information exclusively through the mobile communication terminal, capable of being connected to the Internet (col. 9, line 52 – col. 10, line 21; col. 12, lines 11-21; col. 22, lines 52-58); and

a control portion (col. 9, lines 62-63; col. 21, line 57 – col. 22, line 15), which inherently makes a call to the Internet service provider (col. 15, line 47 – col. 16, line 2; col. 22, lines 52-58; col. 24, lines 20-31) and responsive to the user being on the lists of subscribers, actuates a game credit switch disposed within said game play portion, to enable the game play by said game play portion so that said game play portion is operable without the use of coins (col. 9, lines 11-51; col. 13, lines 24-27), when said game start approval button is operated on the basis of the input

of personal information by said mobile communication terminal, wherein said Internet service provider inherently bills at a predetermined subsequent time corresponding to said call made by operating said game start approval button (col. 8, lines 31-46; col. 22, lines 52-58; col. 23, lines 48-65).

Wells discloses a game play portion being separate from the mobile communication terminal wherein a game is played on said mobile communication terminal in remote game playing. In remote game playing, Wells does not disclose a game is played exclusively on said game play portion.

However, Wells does disclose a game play portion (Fig. 1, 100) being separate from the mobile communication terminal (Fig. 1, 125) wherein a game is played exclusively on said game play portion and not on the mobile communication terminal (col. 2, lines 25-34; col. 8, line 47 – col. 9, line 10; col. 11, lines 55-67) (e.g. local game play).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the control method of Wells to include a game is played exclusively on said game play portion and not on the mobile communication terminal as taught by Wells in a different embodiment. One of ordinary skill in the art would have been lead to make such a modification to allow a user of the mobile communication terminal to terminate a game session on the mobile communication terminal and play a game exclusively on said game play portion that is separate from the mobile communication terminal, wherein a user stops roaming with the mobile communication terminal and returns to the gaming machine for local game play.

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Response to Arguments

4. In regards to Applicant's remarks that Wells does not teach 'a call to an Internet service provider to enable game play by the game play portion'. Examiner disagrees. Wells clearly discloses an Internet service provider or web server can be contacted by the gaming machine and the wireless game player can use web-based transactions during a wireless game play session (col. 4, lines 54-67; col. 5, lines 35-53; col. 22, lines 52-58; col. 24, lines 27-31). In conclusion, Wells clearly discloses the claimed invention.

- 5. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.
- 6. Accordingly, this action is **FINAL**.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- U.S. Patent No. 6,554,707 by Sinclair et al discloses a mobile station for controlling a game server
- 9. Any response to this action should be mailed to:

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Or faxed to:

(571) 273-8300 (for formal communications intended for entry)

Or call:

(571) 272-2600 (for customer service assistance)

- 10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (571) 272-7542. The examiner can normally be reached on M-F 8:30-5:30.
- 11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

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12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lh

April 25, 2006

SUPERVISORY PATENT EXAMINER

TECHNOLOGY CENTER 2600